autographical value is, however, such an unsubstantial and trivial interest that equity would dismiss the suit as vexatious, were it not for the interest of personality involved. The real interest protected by the court is not a property interest but the interest of personality of the writer. See Roscoe Pound, "Equitable Relief Against Defamation and Injuries to Personality," 29 HARV. L. REV. 640, 643, 671. The courts have, however, almost universally put the jurisdiction of equity on the basis of protection of property interests. *Woolsey Judd*, 4 Duer (N. Y.) 379; *Baker* v. *Libbie*, 210 Mass. 599, 97 N. E. 109; *Labouchere* v. *Hess*, 77 L. T. (N. S.) 559. See *Folsom* v. *Marsh*, 2 Story (U. S. Dist. Ct.) 100, 110. It is only by *dicta* that a few courts have asserted that equity will protect the rights of personality in such cases, apart from any property right. See *Vanderbilt* v. *Mitchell*, 72 N. J. Eq. 910, 919, 67 Atl. 97, 100; *Itzkowitz* v. *Whitaker*, 115 La. 479, 480; 39 So. 499, 500, 117 La. 708, 710, 42 So. 228, 229; *Munden* v. *Harris*, 153 Mo. App. 652, 659, 134 S. W. 1076, 1079.

INTERSTATE COMMERCE — CONTROL BY STATE — POLICE POWER OF STATE — INTEREST OF PUBLIC HEALTH — PROHIBITION OF CONDENSED MILK MADE OF SKIMMED MILK. — The plaintiffs, manufacturers of a compound of evaporated skimmed milk and vegetable fat, a wholesome product, properly labeled under the Federal Pure Food Act, sought to enjoin the enforcement of an Ohio statute prohibiting the manufacture and sale of condensed milk made from skimmed milk, on the ground that it was unconstitutional. (OHIO GEN. CODE, § 12725.) The milk was manufactured and shipped from without the state into Ohio for sale. *Held*, that relief be denied. *Hebe Co.* v. *Calvert*, 246 Fed. 711.

It is clear that a state in the exercise of its police power may enact laws which will be valid, though they indirectly affect interstate commerce. *Savage* v. *Jones*, 225 U. S. 501; *Hennington* v. *Georgia*, 163 U. S. 299. A statute, however, palpably directed at evading the commerce clause is objectionable. *Welton* v. *Missouri*, 91 U. S. 275; *Walling* v. *Michigan*, 116 U. S. 446. A state regulation must not exceed the exigencies of the case. *Railroad Co.* v. *Husen*, 95 U. S. 465. Nor may it render unsalable articles of interstate commerce. *Collins* v. *New Hampshire*, 171 U. S. 30. The question in the particular case must be: Is the interference with interstate commerce unreasonable? This involves balancing the importance and necessity of police regulation on the one hand and the extent of encroachment on interstate commerce on the other. Police power may justify a statute as due process under the Fourteenth Amendment. *Powell* v. *Pennsylvania*, 127 U. S. 678. But only a necessary exercise of that power will justify interference with interstate commerce. *Schollenberger* v. *Pennsylvania*, 171 U. S. 1. A drastic state law prohibiting the sale of oleomargarine, so colored as to resemble butter, has been upheld by the Supreme Court as a legitimate police provision against fraud. *Plumley* v. *Massachusetts*, 155 U. S. 461. The principal case follows that decision and sanctions a statute equally as paternalistic, arguing that despite the proper label, some one may be deceived.

INTERSTATE COMMERCE — INTERSTATE COMMERCE COMMISSION — ORDER OF THE COMMISSION INOPERATIVE THROUGH UNCERTAINTY. — An Illinois statute prohibited any intra-state passenger rate in excess of two cents per mile. Certain carriers having raised the interstate rate to 2.4 cents per mile, the Interstate Commerce Commission found this created a discrimination between intra-state and interstate shipments, and ordered the railroads to desist from "collecting passenger fares between St. Louis, Missouri, and points in Illinois upon a basis higher than 2.4 cents per mile, . . . which basis was found reasonable . . ., or higher than the fares contemporaneously exacted between East St. Louis, Illinois, and the same Illinois points." The carriers raised

their intra-state rates and sued to enjoin interference by the Illinois state authorities. *Held*, that the uncertainty in the order as to the points to which it is applicable renders it inoperative as to intra-state rates. *Ill. Cent. R. R. Co.* v. *Public Utilities Com. of Illinois*, 38 Sup. Ct. Rep. 170.

An order of the commission which is so general as to amount merely to a restatement of the legal duties of the carrier or of the prohibitions of the Interstate Commerce Act will not be enforced by the courts. *Farmers' Loan & Trust Co.* v. *Northern Pacific Ry. Co.*, 83 Fed. 249; *Southern Pacific Co.* v. *Colo. Fuel & Iron Co.*, 101 Fed. 779, aff'd in 22 Sup. Ct. Rep. 954. An order may, however, like a decree of court, under some circumstances, merely prescribe the end to be attained, and leave a wide discretion to the carrier as to the means of effecting that end. *Houston, etc. Ry. Co.* v. *United States*, 221 U. S. 1; *Carpenter* v. *Easton & Amboy R. Co.*, 28 N. J. Eq. 390. Thus a carrier may be ordered to cease an unlawful discrimination arising from the maintenance of lower rates to one point than to another similarly situated, allowing the carrier the option of raising the former rates or lowering the latter, or changing both. *Houston, etc. Ry. Co.* v. *United States, supra; Adams Express Co.* v. *South Dakota*, 244 U. S. 617. And although an order is in itself two indefinite to be enforced, if it can be made sufficiently definite for intelligent performance by reference to the report of the commission it will be given effect by the courts. *Adams Express Co.* v. *South Dakota, supra*. Where the rates producing the discrimination are wholly interstate, a remedial order of the commission might be held valid, although it failed to specify the precise points between which the new schedule should be operative, leaving it to the courts or the commission to make any subsequent limitations found proper. See *Behlmer* v. *Louisville etc. R. Co.*, 83 Fed. 898, affirmed in 175 U. S. 648; *Philadelphia, etc. Ry. Co.* v. *United States*, 219 Fed. 988. Where, however, the order also permits a readjustment of intra-state rates, a conflict with state authority is encountered. The power of the Interstate Commerce Commission to effect intra-state rates extends only so far as it is necessary to prevent discrimination against interstate commerce, or to remove any other direct burden on such commerce. See *Gibbons* v. *Ogden*, 9 Wheat. (U. S.) 1, 145; *Houston, etc. Ry. Co.* v. *United States* (*Shreveport Rate Case*), 234 U. S. 342. Therefore the commission must find in the case of each intra-state rate altered that it is a burden on interstate commerce, and may not leave the territory and points to which the order applies uncertain and at the discretion of the carrier, because there is a general discrimination against interstate commerce. See *American Express Co.* v. *Caldwell*, 244 U. S. 617, 625.

LIBEL AND SLANDER — PRIVILEGED COMMUNICATIONS — PETITIONS TO A PUBLIC OFFICER. — A petition against renewing the plaintiff's license was widely circulated in a community to obtain signatures, charging the plaintiff in obviously exaggerated phrases with keeping a disorderly saloon. This occurred six months before plaintiff's license would terminate; the plaintiff had not requested a renewal. As a petition for revocation it did not conform to the statutory requirements. *Held*, on demurrer, that the communication was not privileged. *Koehler* v. *Dubose*, 200 S. W. 238 (Texas).

In certain situations it seems the better policy not to place upon the petitioner the risk of having spirited language subsequently construed as evidence of actual malice, and therefore in those cases the law has allowed an absolute privilege. Thus petitions to the legislature pertinent to matters before the proceeding are so privileged. See *Cook* v. *Hill*, 3 Sandf. (N. Y.) 341, 350. It has been held that a petition to the governor for the pardon of a criminal is absolutely privileged, on the ground that it is in the nature of a paper filed in a judicial proceeding. *Connellee* v. *Blanton*, 163 S. W. 404 (Texas). In most cases, however, petitions to public officers are only qualifiedly privileged, *i. e.*,